

## **BOARD OF POLICE COMMISSIONERS**

### **Minutes of the Regular Board of Police Commissioners Meeting Thursday, March 23, 2006**

#### **COMMITTEE OF THE WHOLE**

The regular meeting of the Detroit Board of Police Commissioners was held on Thursday, March 23, 2006, at 3:00 p.m., at Police Headquarters, 1300 Beaubien, Detroit, Michigan 48226.

#### **ATTENDANCE**

##### **Board Members Present**

Erminia Ramirez  
Jim Holley **(ABS)**  
Mohamed Okdie **(ABS)**  
Willie Hampton **(ABS)**  
Arthur Blackwell II

##### **Department Personnel Present**

Chief Ella M. Bully-Cummings  
AC Walter Martin  
Cmdr. Brain Stair  
Cmdr. Jan Johnson  
Cmdr. Gail Wilson-Turner  
Sgt. Dale Greenleaf  
Sgt. Joanna Ali Johnson  
Sgt. Dennis Myers  
Sgt. John Kennedy  
Sgt. Anthony Topp  
P.O. Sophia Nelms  
Atty. Nancy Ninowski

##### **Board Staff Present**

Dante' L. Goss, Executive Director  
Lawana Ducker, Personnel Director  
Denise R. Hooks, Attorney/Supervising Inv.  
Arnold Sheard, Interim Chief Investigator  
P.O. Kent Cooper

##### **OTHERS PRESENT**

Ron Scott  
Media  
Bernice Smith  
Atty. John Goldpaugh  
Rev. Robert Holt (Police Chaplin)

##### **RECORDERS**

Terence Bell  
Robert Brown

1. **CALL TO ORDER**

**Chairperson Ramirez** called the regular meeting of the Detroit Board of Police Commissioners to order at 3:30 pm.

**Chairperson Ramirez** acknowledged the presence of Board members and staff.

2. **APPROVAL OF MINUTES**

The minutes for March 16, 2006 were tabled due to a lack of a quorum.

3. **REPORT FROM THE CHAIR**

There was no chair report.

**SUSPENSION**

On February 28, 2006, Force Investigation was notified of an allegation of misconduct on the part of Police Officer Christopher Staton, badge 484, assigned to the Northwestern District. More specifically, the complaint alleged that Officer Staton discharged his Department issued firearm contrary to Department policy, failed to make the proper notifications thereof, and made false and/or misleading representations concerning such. Based on the complaint, Force Investigation initiated an investigation, which revealed the following:

On February 28, 2006, at approximately 1:15 p.m., Officer Staton and his partner were on duty working Northwest Cobra 22, in the area of Joy Road and Stahelin in the City of Detroit, when they observed a reported stolen vehicle that was parked in the parking lot of the Dollar Store, located at 18900 Joy Road. Officer Staton and his partner established surveillance on the vehicle and observed two subjects (hereinafter Subject 1 and Subject 2) enter the vehicle. Subject 1 was later identified as a 19 year old black male and Subject 2 was identified as an 18 year old black male. Officer Staton and his partner attempted to initiate a traffic stop on the vehicle, but both subjects fled on foot. Officer Staton pursued Subject 1 on foot across Joy Road and his partner pursued Subject 2 on foot in the opposite direction.

During the foot pursuit, Subject 1 fell to the ground, got up, and continued to run. At this point, Officer Staton indicated that he observed Subject 1 produce a .25 caliber nickel-plated semi-automatic handgun, unload it, and drop it to the ground. Officer Staton retrieved the weapon and continued to pursue subject 1 on foot with his weapon drawn. Subject 1 was eventually apprehended by Officer Staton in the rear of a residential dwelling located in the 8600 block of Stahelin. Subject 2 was also apprehended by Officer Staton's partner in the area of Artesian and Joy Road.

Subject 1 was conveyed to Detroit Receiving Hospital because of the injury he sustained when he fell to the ground. While enroute to the hospital, he advised the conveying officer that Officer Staton fired one shot at him when he was running.

Force Investigation was notified and responded to the scene of the incident. While at the scene, and specifically, while in the rear of the residential dwelling where Subject 1 was apprehended, Force Investigation observed what appeared to be a bullet hole in the gutter of the garage. Upon further investigation, a spent .40 caliber casing was found on the ground approximately 10 feet from the garage. Crime Scene Services also responded to the scene to gather evidence. A bullet was removed from the gutter and a spent casing was confiscated.

The homeowner was interviewed and indicated that while she was in the kitchen, she heard a commotion outside her window, heard one gunshot, and then she dropped to the floor. When she looked out of her kitchen window, she saw several police vehicles and an officer walking from around the rear of her home with Subject 1. The homeowner also indicated that she opened her door to advise the officer that she heard a gunshot and the officer advised her that she did not hear a gunshot.

Crime Scene Services confiscated Officer Staton's weapon and a ballistics test confirmed that the bullet retrieved from the gutter of the garage was from Officer Staton's weapon. At the same time, a gunshot residue test was performed on Officer Staton and Subject 1. The results confirmed gunshot residue on Officer Staton's forehead, face and on the right side of Subject 1's coat. Officer Staton advised Force Investigation and Crime Scene Services that he did not discharge his weapon.

The Detroit Police Department's policy regarding Use of Force mandates:

### **304.2-5      AUTHORIZED USE OF DEADLY FORCE**

The use of deadly force is limited to the following:

1. Against a subject who poses an imminent threat of death or serious bodily injury to officers or to others and only when the safety of bystanders is not jeopardized.
2. To prevent the escape of a subject who is fleeing from an inherently violent felony crime, and the officer has probable cause to believe that the

subject poses a threat of death or serious physical injury to the officer or others. *Tennessee v Garner*, 471 U.S. 1 (1985).

Whenever either of the two conditions described above is present prior to the use of deadly force, officers shall attempt to identify themselves and provide a verbal warning directing the subject to submit to the officer's authority, if feasible, and if to do so would not increase the danger for the officer(s) or to others.

A member shall not discharge a firearm in an attempt to apprehend a person on mere suspicion that a crime, no matter how serious, was committed or on mere suspicion that the person being pursued committed the crime. A member shall either have witnessed the crime or have probable cause to believe that the person committed an offense for which the use of deadly force is permissible.

The following felonies pose a significant threat of death or threatening serious physical injury to others: (1) Murder and its attempt; (2) Assault with intent to commit murder; (3) Criminal sexual conduct, 1<sup>st</sup> and 3<sup>rd</sup> degree; (4) Armed robbery and its attempt; and (5) Assaults resulting in life threatening physical injury.

Members shall not use deadly force to affect the arrest or prevent the escape of a subject when lesser methods of force can be used to make the arrest or when the member believes that the subject can be apprehended reasonably soon thereafter.

Under no circumstances can the discharge of a firearm be justified to affect an arrest for a misdemeanor charge or to apprehend a person fleeing from such a charge.

Further, the Detroit Police Department's rules and regulations mandate that whenever an officer uses deadly force he/she has the responsibility to immediately notify a supervisor. (DPD 304.2 - 15, Officer's responsibility for reporting; DPD 304.2 - 15.1, Immediate notification to a non-involved supervisor from scene.)

Based on the above circumstances, it is recommended that Officer Staton be charged with, but not limited to the following violation of the Detroit Police Department Rules and Regulations:

**CHARGE: CONDUCT UNBECOMING AN OFFICER;  
CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS,  
THIS BEING IN VIOLATION OF THE DETROIT POLICE  
DEPARTMENT MANUAL, SERIES 100, DIRECTIVE 102.3 – 7.9,  
CONDUCT, UNPROFESSIONAL, COMMAND 1.**

Due to the seriousness of the conduct, I am requesting your concurrence with the suspension of Police Officer Christopher Staton without pay, effective March 23, 2006.

**Comm. Blackwell** asked is the Committee of the Whole able to consider this without a quorum. To table is a procedure that only a quorum can do. For the record, the item should not exist because there is no quorum to convene or concur. He also wanted to know what constitutes a meeting. Minutes will be read but they are not adopted until a quorum adopts them. When this suspension will go into effect? For the record, the Chief has withdrawn the petition.

**Atty. Goldpaugh** asked that the suspension be tabled so that he can make an oral argument when there is a quorum. If there is a quorum at next week the suspension will go into effect today.

**Atty. Hooks** stated the matter has been read into record therefore by being silent this Board is not contravening the suspension. Because of a lack of a quorum, past practices determined that it would use the language contravene or not contravene or not contravene. This matter takes two commissioners to contravene and four to approve the suspensions. She needs to refer the suspension date to Labor Relations.

**Chief Bully-Cummings** stated she doesn't have a problem of withdrawing the petition if the suspension date remains the same.

#### 4. SECRETARY'S REPORT – EXEC. DIR. GOSS

##### CITIZEN COMPLAINTS RECEIVED

	<u>This Week</u>	<u>Year to Date</u>
2006 - Weekly Count of Complaints:	18	281
2005 - Weekly Count of Complaints:	31	283

- The Office of the Chief Investigator (OCI) closed a total of 6 cases this week.
- The Office of the Chief Investigator submitted 2 cases to the Chief's Office.
- The Chief's Office has reviewed and returned 6 cases to OCI.

**5. PRESENTATION/REPORT-CHIEF OF POLICE**

March 23, 2006

Volume 2, Issue 12

# *Detroit Police Department*

## *Report to the Board of Police Commissioners*



### Special points of interest:

#### • Next meeting:

Thursday, March 30, 2006  
@3:00 P.M.

**Detroit Police Headquarters**  
1300 Beaubien, Suite 328A  
Detroit, Michigan 48226

### Inside this issue:

Eastern District 2

Northeastern District 2

Central District 2

Western District 2

Southwestern District 2

Northwestern District 2

### ***“Building a Safer Detroit Through Community Partnerships”***

*The Detroit Police Department is committed to uphold its mission to provide a safe environment for our residents and businesses. This effort is not possible without the joint commitment of the community and the Police Department. We appreciate and value the role our citizens have played in helping us to take the guns and drugs off the streets of the city of Detroit.*

## **SPECIAL ENFORCEMENT ACTIONS**

### **Narcotics/ Gang Enforcement**

During the period of March 13, 2006 through March 19, 2006, Narcotics /Gang Enforcement conducted 31 search warrants and 59 street enforcement actions within the boundaries of the city of Detroit, resulting in the following arrests and confiscations:

- 42 Felony arrests
- 90 Misdemeanor arrests
- 6 Juveniles detained
- 1,222.4 grams of cocaine, 31.9 grams of heroin, and 126,337.40 grams of marijuana and 215 pills, street value
- **\$1,053,879.60**
- **\$150,618.00** in U.S. Currency

Confiscated:

- 33 Handguns

### **Domestic Violence**

On March 13th, officers of the Northeastern District responded to a hospital on a “Stabbing” report. As a result of the investigation, a man was arrested without incident on March 14th and charged with “Assault with Intent to Murder,” “Assault with Intent to do Great Bodily Harm,” “Felonious Assault/ Domestic Violence,” and “Habitual 3rd.”

### **Homicide**

On March 1st, officers of the Southwest District responded on an “Breaking and Entering in Progress” run. As a result of the investigation, a man was arrested without incident and charged on March 16th with “Murder First Degree” and “Felony Firearm.”

**OPERATION GUN STOP**

PEOPLE WITH ILLEGAL GUNS!

**\$500 REWARD**

For information leading to arrest warrant for a person with an illegal gun.

**DETROIT POLICE OPERATION GUN STOP**

**1-800 SPEAKUP**  
(Ask for Operation Gun Stop)

COMPLETELY ANONYMOUS

**STOP THE VIOLENCE!**

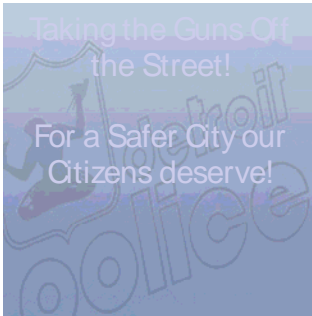
March 23, 2006

## *Police / Community Intervention*

Page 1

### Eastern District

On March 16th, officers of the Eastern District were flagged down in the area of Greiner and Peoria on a "Robbery" just happened. Further investigation resulted in one (1) man being arrested and charged with "Robbery". All of the property taken was returned to the owner.



### Northeastern District

On March 18th, officers of the Northeastern District responded to the 2300 block of Van Dyke on an "Breaking and Entering Alarm" run. Upon arrival, the officers observed a man inside a building. Further investigation resulted in a man being arrested and charged with "Breaking and Entering a Building with Intent," and "Habitual 3rd."

### Central District

On March 18th, officers of the Central District responded to the 600 block of Macomb on a "Felonious Assault" run. As a result of the investigation, a man was arrested without incident and charged with "Assault with Intent to Murder," "Operating with Intent to do Serious Injury," "Felony Assault," "Malicious Destruction of Property," "Habitual 4th," and "Motor Vehicle Advisory."



### Western District

On March 15th, officers of the Western District while on patrol in the 3300 block of Sturtevant, observed a man with a handgun. After a brief chase, the man was arrested and charged with "Carrying a Concealed Weapon," "Felon in Possession," "Felony Firearm," and "Habitual 4th." Confiscated was a handgun.



### Southwestern District

On March 14th, officers of the Southwestern District responded to the 8500 block of Greenfield on a "Home Invasion/Person with a Weapon" run. Subsequent to the investigation, two (2) females and a man were arrested without incident for "Felonious Assault" and "Home Invasion." Confiscated was a handgun.

### Northwestern District

On March 15th, officers of the Northwestern District responded to the area of Bramell and Fenkell on a "Shots Fired" run. As a result of the investigation, two (2) men were arrested without incident and charged with "Assault with Intent to Commit Murder," "Assault with Intent to Commit Great Bodily Harm", "Felonious Assault," and "Felony Firearm."



**6. PRESENTATION/REPORT –FATAL SQUAD**

**Cmdr. Johnson** of Major Crimes introduced her staff from Fatal Squad Unit.

**Sgt. Greenleaf** presented information on the Fatal Squad.

**(SEE ATTACHMENTS)**

The following exchange occurred regarding the presentation:

**Comm. Blackwell** asked about the pedestrian accidents, are they considered hit and run accidents? He wanted to know if Operating With Influence (OWI) involves only alcohol and if not how is it being measured. Is the fatal squad called to testify on liability cases? He thinks they should be compensated if they are for their time. Minor accident cases that occur frequently in a certain area need to be looked at before they become major accidents.

**Sgt. Greenleaf** stated pedestrian accidents are citizens in the roadway stuck by a vehicle and the vehicle stays at the scene. He stated that 50% of those are hit and run. He stated that OWI can include prescription drugs and narcotics. They use a Breathalyzer and a request warrants for blood work. The Fire Department has been a big help in cleaning up the biohazards spills and removing of the black box from the vehicle.

**Chairperson Ramirez** asked who cleans up the area?

**Chief Bully-Cummings** stated besides the Fire Department there are several towing companies that are contracted by the City.

**7. (DISCIPLINARY APPEALS)**

There were no disciplinary appeals.

**8. OTHER BUSINESS**

There was no other business.

**9. ANNOUNCEMENT OF NEXT MEETING**

**Thursday March 30, 2006 @ 3:00 p.m.**  
**Police Headquarters, Room 328-A**  
**1300 Beaubien**  
**Detroit, MI 48226**

**10. ORAL COMMUNICATION FROM THE AUDIENCE**

**P.O. Johnson** thanked the Chief Bully-Cummings for the Merit Awards Ceremony that was held for the hard working officers of the City of Detroit.

**Rev. Holt** invited the Board and the community to their memorial service for those who have fallen in the line of duty.

**11. ADJOURNMENT**

The meeting was adjourned at 4:24 p.m.

Respectfully submitted,

**DANTE' L. GOSS**  
Executive Director  
Board of Police Commissioners

**DLG/rb**